

281—31.4(299A) School district duties related to competent private instruction.**31.4(1) Reports.**

a. The secretary of a public school district shall make available reporting forms developed by the department of education and shall receive reports as to competent private instruction, maintaining one copy in the district and forwarding one copy to the area education agency as required by law.

b. The secretary of the district shall provide forms to any accredited nonpublic school located within the district for the purpose of reporting the nonpublic school's student enrollment data as required by law. The district secretary shall notify the appropriate school districts of nonresident students enrolled in accredited nonpublic schools within the district.

c. The district shall review the completed form to ascertain whether the person filing has complied with the reporting requirements of the law and these rules. Specifically, the district shall determine from the report that the person providing the instruction is either the child's parent, guardian, custodian or a person with a valid Iowa practitioner's license appropriate to the age and grade level of the child; that the designated period of instruction is at least 148 days per academic year; that immunization evidence is provided for children placed under competent private instruction for the first time; and that the report is timely under these rules.

d. The district shall annually report to the department of education by April 1 the names of all resident children who are subject to an annual assessment and what form of assessment has been chosen by the child's parent, guardian, or legal custodian. The district shall cooperate with the department in gathering standardized test reports or portfolio evaluation reports for each child subject to annual assessment.

e. The district shall report noncompliance with the reporting, immunization, attendance, instructor qualifications, and assessment requirements of the compulsory attendance law and these rules to the county attorney for the county of residence of the child's parent, guardian, or legal custodian.

f. Upon the request of a parent, guardian, or legal custodian of a child of compulsory attendance age who is under competent private instruction, or upon the referral of a licensed practitioner who provides instruction or instructional supervision of a child of compulsory attendance age who is under competent private instruction, the district shall refer a child who may require special education to the area education agency division of special education for evaluation.

31.4(2) Testing assistance.

a. If a child is under dual enrollment, the district shall administer standardized tests, when the standardized test option has been selected by the child's parent, guardian, or legal custodian, to the child or may delegate the test administration to the appropriate area education agency. If the child is under dual enrollment, no fee is charged to the parent, guardian, or legal custodian.

b. If a child under competent private instruction, and not under dual enrollment, is to be administered a standardized test for purposes of assessment, the district shall charge and collect from the child's parent, guardian, or legal custodian a fee for the actual cost of the testing if administered by the public school or area education agency. The fee shall include the cost of the test materials, a prorated fee reflective of the personnel costs of administration based upon the number of students taking the test, and the cost of scoring.

c. If a student has been administered an approved standardized test by a nonpublic school during the academic school year for which testing is required, and the administration of the test has met the terms or protocol of the test publisher, the results may be submitted to the resident district and the department of education in original form by either the test administrator or the parent, guardian, or legal custodian of the child being tested, in satisfaction of the annual assessment option. The submitted test results shall be accompanied by a certification statement signed by the test administrator to the effect that the publisher's protocol or terms required for test administration have been met.

d. The district shall maintain as any other confidential education record the standardized testing results for each resident child for whom the district or area education agency administers the test.

31.4(3) Finance. A public school district may count a competent private instruction student for purposes of its certified enrollment only under the following circumstances:

a. A resident student or the student's parent, guardian, or legal custodian has requested dual enrollment, in which case the student is counted as authorized by law. However, if the student is receiving special education services or instruction, the student shall qualify for additional weighting pursuant to the provisions of Iowa Code section 257.6; or

b. The school district provides an Iowa licensed practitioner to instruct or to assist and supervise parents, guardians, or legal custodians providing competent private instruction and the child has been enrolled in the district's home school assistance program.

31.4(4) *Provision of instructional materials.*

a. A public school district may not make monetary payments directly or indirectly to the parent, guardian, or legal custodian or to a child receiving competent private instruction.

b. A district may provide to children receiving competent private instruction available texts or supplementary materials on the same basis as they are provided to enrolled students, and shall provide available texts or supplemental instructional materials on the same basis as they are provided to enrolled students when a child is under dual enrollment or in a home school assistance program. If a fee, such as a textbook or towel rental fee, is charged to regularly enrolled students for participation in a class or extracurricular activity, that fee may also be charged to dual-enrolled students on the same basis as it is charged to enrolled students, but only for the specific class or extracurricular activity taken.

c. The parent, guardian or legal custodian who provides competent private instruction to a child of compulsory attendance age may access the services and materials available from the area education agency by requesting assistance through the school district of residence. The AEA shall make services and materials available to the child on the same basis as they are available to regularly enrolled students of the district if the child is dual enrolled or enrolled in a home school assistance program. The district of residence shall act as liaison between the parent, guardian, or legal custodian of a child who is receiving competent private instruction and the area education agency.

31.4(5) *Home school assistance programs.* A school district or accredited nonpublic school may offer an assistance program for parents, guardians, or legal custodians providing private instruction to a child of compulsory attendance age. A parent, guardian, or legal custodian of a child of compulsory attendance age may enroll the child in a home school or private instruction assistance program in a school district or accredited nonpublic school.

An assistance program offered by a school district or accredited nonpublic school shall, at a minimum, meet state licensure standards for accredited school personnel in designating a practitioner to provide instruction or instructional supervision of a competent private instruction program, including special education instruction, and shall meet the applicable provisions of rule 31.3(299). The district may impose additional requirements upon children enrolled in its home school assistance program.

A home school assistance program is not dual enrollment, but the parent, guardian, or legal custodian of a child enrolled in a home school assistance program may request dual enrollment in addition to enrollment in a home school assistance program.